

Appn. Number : 10/021,656
Appn. Filed : 12-12-2001
Applicant : Gary C. Johnson (applicant pro se)



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REMARKS (2-pages)

CONCERNING NEW "SUBJECT" MATTER:

- (a) I noticed that "New Matter" actually pertains to new "subject" matter and that new "subject" matter actually pertains to that which is written; which changes the nature of the disclosure of the specification and/or the claims, and/or the written notations of the drawing(s).
- (b) According to claims, the Summary, the Background of the Invention and the cited references; of the application, it is apparent that the disclosure of my invention does not pertain to a free floating differential; besides this, the housing of the differential was shown fragmented (which is acceptable). Furthermore the support stock added to the end plate (20) and the housing (8), would in no wise alter the how the invention works. Based on a drawing change alone, a disclaimer statement concerning New (subject) Matter would be futile. It is also noted that according to MPEP 2144.01- IMPLICIT DISCLOSURE and MPEP 2144.03 "WELL KNOWN" Prior Art, that the references of an application can be relied on for disclosure purposes. It was then that I noticed that the two references of my original application were missing from my published application. It is evident that the examiner had saw the references, because they were initialed by him.

CONCERNING THE REFERENCES CITED BY THE EXAMINER:

- (a) According to: MPEP 707.07 (j)-INVENTOR FILED APPLICATION; the examiner is obligated to help the applicant concerning the claims (by drafting the first two claims for the applicant). HE DID NOT.
- (b) According to: 37 CFR 1.104-PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED; "the examiner may note in the office action that patentable subject matter has been disclosed and the record indicates that the

(REMARKS CONTINUED)

applicant intends to claim such subject matter, he may note in the Office Action that certain aspects or features of the patentable invention have not been claimed and that if properly claimed such claims may be given favorable consideration". HE DID NOT. He cost me an additional response in this bogus matter; instead of pointing out claimable subject matter. It should have been obvious to the examiner, that my invention is of an all gear drive differential, not needing/having any external elements, not having any "braking means", and having a completely different type of "planetary gear" than Borgudd's

- (c) Borgudd uses a "ring wheel" (18) type "planetary gear" and needs external/internal "braking means". Let it be further noted that one of the references of my application (Wharton 3/768,336) is a type of "planetary gear" used in my invention and both my claims (particularly in dependant claim-8). As you know variability between axle sections is not dependant upon both drive axles/wheels having variability relative to the drive source. It is only necessary that one of either drive axle/wheel have variability relative to the drive source. As you also know, it is ideal for a differential to have variability based on both drive axles/wheels. It is ultimately greater for a differential to only allow inversely proportional variability between axle sections, which is one of the advantages of my invention. Be it also known that the planetary gear of my invention isn't exactly arranged/used as the planetary gear of my application's cited reference. Only one of the sun gears used in my invention is stationary to an output shaft; which is necessary for a retro-active force to occur; herein actuating one of the two type of "gear-locking effects" involved in my differential invention.
- (d) Furthermore, the invention of Borgudd's (5,176,589); is claimed to be a "controllable differential". In actuality; anything mechanical can be designed to be made controllable; especially by external means.

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